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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Summary record of the 1881st meeting
Held at the Palais Wilson, Geneva, on Wednesday, 28 May 2014, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Kyrgyzstan on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/KGZ/3-4; CRC/C/KGZ/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

2. **Mr. Bazarbaev** (Kyrgyzstan) said that responsibility for developing policies on the rights of the child had been transferred from the Ministry of Labour, Employment and Migration to the Ministry of Social Development, established in 2011, and that the practical implementation of those policies was carried out by family and children support departments in all regions. Funding for projects relating to the rights of the child had increased sevenfold since 2004, and the proportion of the State budget allocated to such projects had also increased. His Government aimed to establish a hotline for reporting violence against children. There were a total of 117 residential facilities for children in the country, which cared for approximately 11,000 children. Although some of those facilities were in need of renovation, the children were adequately housed, clothed and fed. In fact, the amount of money allocated for their meals had doubled. While some government bodies wished to allocate further resources to those facilities, others were pushing for cost optimization and budget cuts. The Government planned to shut down some of the large facilities built during the Soviet era and replace them with smaller ones in local communities.

3. **The Chairperson** asked whether any support was given to low-income families to prevent the phenomenon of "social orphans" abandoned by parents who could not afford to care for them.

4. **Mr. Bazarbaev** (Kyrgyzstan) said that his Government did provide such support. There were approximately 150,000 persons with disabilities in Kyrgyzstan, of whom some 20,000 were children. They received monthly allowances and various services appropriate to their particular disabilities. Efforts were being made to improve residential care facilities for them. All newly constructed buildings must meet accessibility standards, and older buildings were gradually being retrofitted with ramps and other accessibility features.

5. Low-income families received monthly allowances to discourage them from placing their children in residential facilities, and the number of children admitted to such facilities was decreasing. Free access to health-care services and education for the children was also provided. The next social development strategy, to be drawn up in collaboration with civil society, would establish allowances for families living under the poverty line.

6. **Ms. Khazova** (Coordinator, Country Task Force) requested further information about the Government's efforts to support families with children and asked whether family and children support departments had sufficient budgetary and human resources to fulfil their mandate.

7. **Mr. Bazarbaev** (Kyrgyzstan) said that while those departments were understaffed, efforts were being made to remedy the situation. For example, the salaries paid to department employees had been increased by 50 per cent. In addition to department staff, social workers were also active in local communities.

8. **The Chairperson** said that the Committee had received reports that children with disabilities living in residential facilities did not receive adequate intellectual or social stimulation. She asked what was being done to encourage the families of children with disabilities to care for them at home.

9. **Mr. Bazarbaev** (Kyrgyzstan) said that initiatives had recently been introduced to improve intellectual stimulation in residential care facilities, where children with disabilities were taught to recognize pictures and letters of the alphabet and to express their opinions. Those initiatives would be expanded in the future.

10. **The Chairperson** requested further information about the health care provided in residential care institutions.

11. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the State provided comprehensive medical care. The programme of State guarantees identified various categories of persons entitled to free or subsidized medical care, which included children living in residential facilities. Physical and psychological examinations were conducted on site at the facilities. Health clinics were experiencing a shortage of child psychologists and other qualified staff, partly because salaries were inadequate. A number of children in the south of the country had been diagnosed with post-traumatic stress disorder and were being treated with the help of international partners and NGOs. Some 450 general practitioners had received training through a project conducted by the United Nations Children's Fund (UNICEF). Following the events in Osh in 2010, the Government had established crisis centres and mobile units, and a confidential mental health clinic established at that time was still operational.

12. Kyrgyzstan had one of the highest HIV infection rates in the world. In 2007, the Government had established a targeted programme to combat infectious diseases, with the result that the spread of HIV had stabilized. Programme priorities included preventing mother-to-child transmission and providing help for persons living with HIV. A strategy to combat stigma and discrimination was being developed in collaboration with international partners. National law had been amended to enable children living with HIV to qualify for special benefits and to make it easier for families to apply for and receive those benefits.

13. Children in residential care facilities received comprehensive health check-ups twice yearly and were provided with inpatient care in hospitals when necessary. Since 2012, four children had died in residential care, all of whom had suffered from life-threatening health conditions. An autopsy was always conducted whenever such deaths occurred. The programme of State guarantees provided medical care free of charge to many orphans and other children living in residential facilities, which was reviewed every year. From 2007 to 2013, more than 9 million soms had been allocated to orphanages.

14. **The Chairperson** asked how the term "orphan" was defined and whether it included "social orphans" abandoned by parents who could not afford to care for them.

15. **Mr. Gurán** (Country Task Force) asked whether a child could be placed in a residential facility on purely economic grounds.

16. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that when newborn children were abandoned, the hospital transferred them to a children's home and the authorities then analysed the situation. In 2013, a mere 7 per cent of such children had been true orphans. The remainder had been abandoned for reasons of poverty.

17. **Mr. Bazarbaev** (Kyrgyzstan) said that those figures referred only to the 3 facilities run by the Ministry of Health, not to all 117 residential facilities in the country.

18. **Ms. Kendirbaeva** (Kyrgyzstan) said that the Ministry of Education ran nine specialized facilities that cared for some 1,300 orphans. The vast majority were social orphans or children otherwise deprived of parental care, for example because their parents were in prison. Pursuant to the Children's Code, such children were placed in residential care on the basis of a court decision or a temporary residence order for up to six months. The number of children in such facilities continued to decrease every year, thanks to government efforts to provide greater support for families. A plan had been developed to improve living conditions in 11 of those facilities.

19. **The Chairperson** asked what criteria must be met in order for a child to be placed in a residential institution.

20. **Ms. Kendirbaeva** (Kyrgyzstan) said that the criteria were clearly stipulated in national law. Local authorities would ask the courts to take a decision on placement in cases where the child had no legal guardian or was not enrolled in school, or when the parents were found to be negligent. Poverty was not considered as a primary ground for such a decision. In critical cases involving family violence, the child could be placed in a crisis shelter for a period ranging from one to three months.

21. **Ms. Kendirbaeva** (Kyrgyzstan) said that her Government, with the support of UNICEF, had allocated considerable resources to improving the infrastructure of schools. International donor organizations had also contributed to that endeavour. A number of new schools had already been built and more were planned. In 2003, a law had been adopted which required children attending school in rural areas to be provided with school meals from 2006 onwards, as children in those areas were more likely to suffer from inadequate nutrition. A specialized body had subsequently been tasked with ensuring that the meals provided by those schools were nutritious. Moreover, a project had been launched to support those schools in collaboration with the World Food Programme. The project would initially target a small number of schools before being rolled out to other regions of the country.

22. Parents were still often required to pay "voluntary" or informal fees to enrol their child in a given school, which could deny some children access to education. Her Government was investigating such cases and had set up an anti-corruption council to tackle corruption involving school fees. It also planned to amend the law governing non-commercial organizations in order to enable State bodies to intervene and to root out corruption.

23. While there was indeed a shortage of teachers because of low salaries, the full curriculum continued to be taught in schools.

24. **The Chairperson** asked whether the Kyrgyz Government had taken steps to increase teachers' salaries.

25. **Ms. Kendirbaeva** (Kyrgyzstan) said that her Government had indeed taken steps to increase teachers' salaries, including by allocating more budgetary resources to schools. As a result, newly graduated teachers received higher pay than before.

26. Kyrgyz law prohibited the exploitation of child labour. Her Government had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and had devised a programme aimed at eradicating the worst forms of child labour for the period 2008–2011. The prosecution service played an active role in protecting children by issuing warnings, carrying out checks and initiating disciplinary or criminal proceedings when appropriate. Furthermore, a series of seminars and round tables on the prevention and elimination of child labour had been held with the participation of parents and civil society.

27. In Kyrgyzstan, Uzbek was the sole language of instruction in approximately 90 schools and was spoken in some 130 bilingual schools. Quotas had also been introduced to ensure that children with disabilities could access higher education.

28. Refugees from Afghanistan and the Syrian Arab Republic had entered Kyrgyzstan in 2012, a number of whom, including children, had since applied for Kyrgyz citizenship. Refugee children were entitled to the same education as Kyrgyz children and had unrestricted access to it.

29. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that a law regulating the marketing of infant formula had been adopted in 2008. In 2012, a survey carried out by international experts on breastfeeding and the National Statistical Committee had found that approximately 60 per cent of infants were breastfed up to the age of 6 months. In order to remedy the micronutrient deficiency in Kyrgyzstan, the Ministry of Health had launched an initiative in 2006 to provide children aged between 6 and 24 months with micronutrients in the form of a supplement. Moreover, a national strategy to combat malnutrition and medical conditions such as anaemia was being finalized and would soon be adopted. The high infant mortality rate in the country could be attributed to a lack of education among parents and to the lack of transportation and health-care services in some regions of the country. Her Government was adopting measures to remedy that situation.

30. Working children could receive treatment in family health-care centres. It could be difficult to identify children who worked, as private enterprises were often informed of the date and time of labour inspection visits several days before they were scheduled to take place.

31. **Ms. Khazova** asked to what extent checks on the situation of children in private residential facilities were carried out, whether those checks were effective and whether they could be improved. In addition, she wished to know whether children whose parents had emigrated in search of work were also placed in residential facilities for a period of up to six months and, if not, what became of them. She recalled that the term "social orphan" was degrading to children and that its use should be avoided.

32. **Ms. De Jesús Oviedo Fierro** asked whether health-care professionals who worked with new and expectant mothers received training on how to promote breastfeeding and how the law regulating the marketing of infant formula was applied in practice.

33. **Ms. Winter** (Country Task Force) asked whether Kyrgyz labour legislation could be amended to allow unannounced visits to enterprises to be conducted.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

34. **Mr. Bazarbaev** (Kyrgyzstan) said that his Government, in collaboration with UNICEF, was devising a programme to help children in difficult situations in order to reduce the number of children being placed in residential facilities. The aim of the programme was to identify and solve problems ahead of time so that children could remain with their families. His Government also provided training to social workers and strengthened social institutions so that they were better equipped to assist those children.

35. **Ms. Kendirbaeva** (Kyrgyzstan) said that, in accordance with the law, both private and State-run residential facilities could be subject to checks without prior notice. Non-governmental organizations were also involved in carrying out such checks. She concurred that the term "social orphan" should not be used, especially since many children whose parents had emigrated in search of work were, in fact, cared for by family members.

36. **Ms. Borombaeva** (Kyrgyzstan) said that the Ombudsman's Office had participated in the drafting of a law on the prevention of torture and other cruel, inhuman or degrading treatment or punishment, which had been adopted by Parliament. A torture prevention centre had been established in 2013 which, together with NGOs and the Ombudsman's Office, conducted inspections of various institutions, including detention centres, and interviewed detainees. If shortcomings were detected, the competent authorities were notified. If the competent authorities did not adopt measures to remedy the situation, the Ombudsman's Office referred the matter to Parliament. The fact that corporal punishment was not specifically prohibited by law constituted a legal lacuna which her Government planned to remedy by amending the legislation in question. None of the aforementioned institutions were informed of the date and time of the inspection in advance. In the event of

a child coming into conflict with the law, the competent child protection agency would take steps to rehabilitate the child. The Ombudsman's Office also carried out inspections and liaised with other government ministries to ensure that persons with disabilities had access to essential services such as health care and education.

37. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that her Government had undertaken a number of initiatives to promote breastfeeding and that midwives studied the topic as part of their training. Local volunteers also played a vital role in raising awareness of breastfeeding in villages throughout the country. Furthermore, more information on breastfeeding had now been translated into Russian and Kyrgyz.

38. **Ms. Kalieva** (Kyrgyzstan) said that there were a total of seven children held in detention centres in Kyrgyzstan. There were no pregnant women and only three breastfeeding mothers in the prison system. Minors held in police custody had access to a lawyer from the moment of their arrest and judges must consider their case within one to three months pursuant to the Criminal Code. Judges had been asked to prioritize cases involving minors but their heavy workloads combined with limited court resources had resulted in a substantial backlog. The Government had taken a number of measures to tackle delays and had introduced mandatory training on juvenile justice issues for judges and court officials in an attempt to expedite legal proceedings involving children. Steps had also been taken to provide adequate rehabilitation programmes and to establish alternatives to imprisonment for minors.

39. With regard to the mechanisms in place to protect children in marginalized and disadvantaged situations, the Government had implemented a series of safeguards designed to combat discrimination against children with non-traditional sexual orientations, children belonging to ethnic groups and the children of incarcerated parents.

40. With reference to legal guarantees to protect children from the worst forms of labour, she said that Kyrgyzstan had incorporated the provisions of ILO Convention No. 138 and No. 182 into the national Labour Code, in addition to those contained in the Convention on the Rights of the Child. No persons had been detained on suspicion of crimes of a sexual nature committed against children, but there had been a number of cases in which the police had acted pre-emptively to prevent the commission of such acts. In addition, the Government had established a number of protection measures designed to prevent and identify cases of physical violence and had introduced long sentences for any persons involved in child prostitution and pornography.

41. In connection with the prevention of all forms of violence and ill-treatment of children in detention centres, she said that the prison authorities had heavily restricted access to cells housing minors in order to limit any attempts at coercion or harassment by third parties. The Children's Code of 2006 also set forth provisions to provide child victims and witnesses with special protection measures. In addition, training on the provisions contained in the Code had been provided to teachers, social workers, prison wardens, police officers and court officials. Various legislative items had been enacted with a view to reducing the number of minors sharing cells with adults and to separating male and female detainees. Nevertheless, prison overcrowding necessitated the use of mixed cells in certain exceptional circumstances. In those instances, adult detainees underwent a strict evaluation process to ensure that they posed no direct threat to children.

42. The Government acknowledged the current shortfalls in the juvenile justice system and accepted that more needed to be done to implement international standards regarding the detention of minors. Work was therefore under way to find solutions to the lack of available staff and resources in the judicial and prison systems, and it was hoped that improvements would be seen in the near future.

43. **Mr. Gurán** requested further information on the number and type of complaints submitted by children to the Ombudsman's Office. How had the role of Ombudsman's Office changed since the recent overhaul of its mandate? In view of the absence of available data, he asked whether the State party intended to establish data collection mechanisms to record accurate data on children, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, in a number of priority areas such as education, health and justice.

44. **Ms. Khazova** asked whether the State party intended to introduce Uzbek as an official State language.

45. **The Chairperson**, speaking in her capacity as a Committee member, requested further information on the repercussions of the armed conflict in 2010, including the total number of child deaths that had resulted from the violence. What steps had been taken to prevent the occurrence of such events in future? In connection with the State's treatment of persons with disabilities, she asked what measures had been established to ensure that children with disabilities placed in institutions had adequate contact with their families. Lastly, she wished to know what action had been taken to reduce the national school dropout rate.

46. **Ms. Boronbaeva** (Kyrgyzstan) said that the Ombudsman's Office had established a subsidiary body pursuant to the provisions of the Children's Code which monitored and protected children's rights. Article 2 of the Ombudsman Act had also recently been amended to enable the Office to monitor and investigate complaints concerning both the private and the public sector in accordance with the Paris Principles. In 2013, the Office had received over 2,000 letters, of which some 1,000 related to individual complaints. The subsidiary body of the Ombudsman's Office responsible for children's issues continued to investigate complaints related to the protection and upholding of children's rights and took decisive action where appropriate.

47. **Ms. Kendirbaeva** (Kyrgyzstan) said that approximately 3,140 children had dropped out of school in recent years. The national school reinsertion programme had helped over 1,000 of those children to resume their education.

48. **Ms. Kalieva** (Kyrgyzstan) said that 16 children had died during the violent clashes in 2010 and 21 children had been seriously injured. Two children remained unaccounted for.

49. **Ms. Kendirbaeva** (Kyrgyzstan) said that investigations had been carried out into the events of 2010 and several individuals had been found guilty of murder and grievous bodily harm. The overall conclusion from the State investigation had yet to be published, but it appeared that third parties had incited ethnic violence in an effort to destabilize relations between ethnic groups in the area. The Government had taken a series of subsequent measures to improve understanding between the various ethnic groups in the region, and primary and secondary school lessons had been provided in Uzbek for pupils living in areas with a high concentration of ethnic Uzbeks. In certain areas bordering Uzbekistan, access to Uzbek television and radio channels had also been made available.

50. The Government continued to implement measures designed to combat discrimination against ethnic minorities and had granted all ethnic groups the same access to education and health care as other Kyrgyz citizens. Ethnic minorities could seek public and private sector employment and had the right to be considered for positions in the civil service.

51. **Ms. Skripkina** (Kyrgyzstan) said that the Government had introduced the Children's Code as a means of integrating the provisions of the Convention into national legislation and had set up a parliamentary working group to address any remaining gaps in

implementation. The State party placed great importance on the coordination between national and civil society organizations to protect the best interests of the child, and the Committee's recommendations would help greatly in assessing future areas for improvement.

52. The Government aimed to change existing discriminatory cultural and societal norms concerning children and had nominated the Ministry of Labour and Social Development as the competent State body for implementing the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

53. With regard to the inclusion of Uzbek as an official State language, she said the Constitution stipulated that Kyrgyz was the first official language of the State and Russian was the second. The Government must ensure, however, that representatives of all ethnicities which formed part of Kyrgyzstan had the opportunity to preserve their native language as well as to create conditions for its learning and development.

54. **Mr. Mezmur** urged Kyrgyzstan to ratify the Hague Convention and welcomed the State party's steps towards accession. He asked the delegation to comment on reports that older children had been removed from orphanages and placed in mental health establishments in order to ease the chronic shortage of available care places. What measures had been, or would be, taken to combat such a worrying practice?

55. **Mr. Bazarbaev** (Kyrgyzstan) said that such reports were wholly unfounded. In response to the need for more care places, the Government had taken measures to increase the number of local adoptions for orphaned children and, in the rare event that a suitable local family could not be found, the child's name was added to the country's international adoption database. The Government had taken a series of measures to strengthen its international adoption process and all international adoptions must henceforth be approved by several State officials, including a government minister.

56. **Ms. Khazova** thanked the delegation for the constructive and open dialogue and urged the State party to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

57. **Mr. Bazarbaev** (Kyrgyzstan) said that the Kyrgyz Government remained committed to implementing the provisions of the Convention and would pay close attention to the Committee's comments and recommendations.

The meeting rose at 6 p.m.